



# SUSANVILLE INDIAN RANCHERIA

March 15, 2018

Secretary Marlene Dortch  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**RE: Susanville Indian Rancheria (SIR) Opposition to Draft Report and Order  
(WT 17-79)**

Dear Chairman Pai and Members of the Commission:

We write to oppose the draft Report and Order released on March 1, 2018 that purports to narrow the obligations of the Federal Communications Commission (FCC) under the National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) and restricts Tribal rights secured by those laws. The draft order's approach will be detrimental to Tribal governments, Tribal cultural and historic resources and do very little to encourage deployment of wireless service to areas, like ours, that need it most.

Fifteen years ago, the FCC stated that it was impractical for it to consult on thousands of existing, new and proposed cell sites, despite its obligation to do so. In response, Indian Country endorsed the Tower Construction Notification System (TCNS) as a solution that facilitated the telecommunications industry working directly with Tribal Nations to address issues of concern so that it would be unnecessary in nearly all cases for the FCC to engage in consultation. The alternative, which will be the outcome if the current order is approved, is that Tribal Nations will demand direct consultations with the FCC on potentially hundreds of larger tower sites, a far slower process than the Tribal-industry process.

The Commission has a trust responsibility to Tribal Nations, not to the wireless industry. The draft Report and Order does not reflect this trust responsibility and diminishes SIR's ability to protect our cultural and historic properties.

The draft Report and Order:

- (1) Concludes that small wireless facilities do not qualify as "undertakings" or "major federal actions", thereby circumventing the protections of NHPA and NEPA;
- (2) Eliminates Tribal fees for initial historic preservation assessments (which often number in the hundreds per month) by Tribal governments, encouraging industry to exclusively rely on its own consultants whose understanding of Native culture is



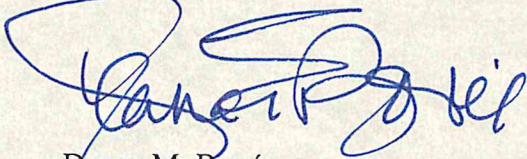
- (3) limited, rather than access the unique expertise of Tribal Nations with regard to impacts on their own cultural areas; and
- (4) Mischaracterizes the extent of formal consultation carried out prior to the release of the draft Report and Order by including listening sessions, briefings and other meetings that are not true consultations.

Rolling back protections for Tribal cultural and historic properties will have grave consequences for SIR. It is vitally important that the Tribal Historic Preservation Office (THPO) continues to receive information on cell towers, collocations and small cell buildings. The THPO and Tribes must be informed, it is a requirement for the FCC, (a federal agency) to have consultation with Native Sovereign Nations. The THPO responds to FCC if there are serious concerns of Sacred Sites, Burial Grounds, cultural implements, tools and utensils that could be impacted by ground disturbance.

On the other hand, SIR THPO office does not charge for research regarding FCC undertakings, subcontracted to various industries. The THPO office is a crew of one. The area of impacts to the Tribe could be massive because of the relative pristine lands we live in, that is why we still wish to receive notifications. We support Tribes who do charge for research and on the ground monitoring. At this time, SIR THPO office chooses not to invoice for services, which doesn't preclude us from seeking payment in the future.

Once Tribal cultural and historic properties are damaged, it is irreversible. Therefore, like other Tribes throughout the country, we will have no recourse if the deployment of wireless technology results in the destruction of our Tribal cultural and historic properties. Accordingly, we ask that all Commissioners vote against adopting this draft Report and Order.

Sincerely,



Deana M. Bovée  
Tribal Chairwoman

Cc: THPO Office  
NATHPO